

Jackson, Miss.  
May 14, 1962

You must know that we in Mississippi feel that this Committee's emphasis on political activity is most timely for us... In gathering materials in an effort to follow the guide sheet which you sent us we learned that our Congressional district has 6,000 registered voters but a potential of 35,000....

As you know, we have two Negroes in Mississippi seeking election for Congress in the June 5th primary. Most of us in the Jackson vicinity are in the 2nd district which has one of the candidates. We feel that these names on the ballot have done a great deal to really "awaken" our people; and it has certainly created more interest and concern about registration and voting.

A few days ago, there was a bill presented to our State Legislature to change the number of petitioners required to put a candidate on the ballot. The bill is asking that the number be changed from 200 to 2000 petitioners. You can guess what this is aimed at! And you can see that we in Delta here in Mississippi have reasons to take an interest in the political activity on the local and state level as well as the national level.

Our May Week program, held May 6, was opened to the public. It was our first step toward Delta's new emphasis. We had three speakers who discussed: Voting and Registration; Campaigning for Public Office; and Community Action. There was active participation in the discussion and we feel that the program was not only interesting but informative. Representatives of the student organization presently encouraging a boycott of the city bus company showed the movie of the Montgomery, Ala. story, "I Walk for Freedom."

We had mimeographed copies of the Bills which you sent to us in order that each member would have a copy. /Summaries of the package of bills introduced in the Senate in March to implement 1961 recommendations of the Civil Rights Commission/ We encouraged our sorors to read carefully and to voice their opinion. We also secured printed materials from the Voters League. Although most of the sorors present were registered voters, we encouraged each to share this material with at least one other person.

Most of our inactive Deltas live outside Jackson. We should mention that we have two active Deltas outside Jackson and in counties where Negroes "just are not registered." We will keep you informed of our activity and participation.

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# Reds Give Push to Mixing, View

## Rutledge Criticizes FBI Officials, Press

A state segregation leader charged here Tuesday night that Communists are the driving force behind the integration movement in the United States.

W. M. "Bill" Rutledge of Shreveport, executive director of the Citizens Councils of Louisiana, Inc., said Communists have long held that American Negroes were "oppressed" by capitalists.

Rutledge spoke at a meeting of the Citizens Council of Greater New Orleans at Municipal Auditorium.

He also criticized the federal Bureau of Investigation, various government officials and the press.

Rutledge said William S. Sullivan, assistant director of the FBI, recently was quoted by a northern Louisiana newspaper as telling state Methodists they should discuss their differences over the racial question but should keep the talk outside of Communism.

### NEVER CITED

Rutledge said Sullivan stated that the National Association for the Advancement of Colored People has never been cited as subversive.

And he's absolutely right," said Rutledge. "And why not? With good old Jack in the White House and with Bobby across the street, how could they be cited?"

Rutledge said, however, that when Sullivan was asked if he could say whether there were any Communists in the top echelons of the NAACP, Sullivan replied that the answer was classified information.

The segregation leader advised citizens "not to tell them (the FBI) a doggone word" if they are ever questioned. He said persons are under no obligation to answer any questions except at a court hearing or at a court-connected case.

### 'SAVIOR TO AMERICA'

Rutledge described FBI director J. Edgar Hoover as "a savior to America" but said he has no respect for a man who says the NAACP has not been infiltrated by Communists.

The speaker made several references to the Shreveport Journal, at one time calling the newspaper "the most highly respected newspaper in the South."

At one point he spoke of an article printed in the paper concerning problems in integrated schools in a northern city.

He asked the audience if such news is printed in the local press. The audience roared back a "No."

Rutledge said this is probably because "they don't want to insult some good advertiser on Canal st."

Returning to the subject of

like organizations were in existence in this country at the time of the American revolution.

### RED PLAN TOLD

He read from what he identified as a Communist publication which he quoted as stating the communist party was working to establish a Negro Communist Soviet in the Southern states through a revolution.

Other speakers included Dr. Emmett L. Irwin, chairman of the council; Leander H. Perez Sr., president of the Plaquemines parish commission council, and George Singelmann.

Singelmann, a member of the local Citizens Council board, said a co-ordinated program of southern Citizens Councils will soon result in the sending of "a freedom bus a day" to northern cities.

He referred to the council's program of providing free one-way transportation to the North

for Negroes desiring to leave the South.

Dr. Irwin reported that only six of the candidates seeking election as state representatives replied favorably to telegrams asking whether they would lend their efforts to preserve segregation in recreation, social and educational areas.

He identified them as Philip Ciacio, Charles H. Erickson Jr. and Louis P. Trent, candidates from Ward Nine, and John Singreen, John J. Borne and John F. Connolly, candidates from Ward 14.

Erickson, Singreen and Borne attended the meeting.

Perez, recently excommunicated from the Catholic church by Archbishop Joseph Francis Rummel, charged that the nation's leaders, college professors and "the hierarchy" have been duped into following Communist ideology concerning integration.

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## 2 La. Solons Decline Bid to Sit with JFK

Two Louisiana state representatives declined invitations to sit in the reserved section where President Kennedy delivered his foreign trade talk today.

The two are Reps. Wellborn Jack of Caddo parish and Ford Stinson, Brevier parish.

"I do not see how any Louisiana official could go and listen to John F. Kennedy and even worse sit in the reserved section to which I was invited," Jack said, "but of course that is each person's own business what he does. I cannot be a party to honoring a man who is striking at my children, your children, and future generations."

Stinson said that if the address dedicating the Nashville Avenue wharf were given by anyone other than President Kennedy he would be happy to attend.

"But," Stinson added, "in view of the present school situation in Orleans parish and throughout the nation as the result of the stupid and irresponsible position and actions taken by the President, his brother, Bobby (Atty. Gen. Robert Kennedy), and the traitor Judge Sully Wright forcing on our people the curse of integration and ultimate destruction of our separate races, it is with pleasure that I decline the invitation to attend the ceremonies."

## JACK, STINSON CRITICIZE JFK

### Decline Invitations to Hear President

Two state representatives declined invitations to sit in the reserved section at the Nashville street wharf where President Kennedy delivered his foreign trade talk Friday.

But, according to port director W. J. Amoss, plans for a reserved section of the floor of the wharf were rescinded after the invitations had been extended. He said it was believed officials would not mind standing in the audience during the short program.

Reps. Wellborn Jack of Caddo parish and Ford Stinson of Bossier parish had declined the invitation.

Jack said: "President Kennedy is doing all he can to integrate the black and white races and I am doing all I can to keep them from being integrated which in my opinion will be for the best of both races."

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Amusements...Sec. 2 Marine  
Books ...Sec. 3, P. 3 Oil News  
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126th YEAR—No. 95

## PROPOSED TEST OUTLINE GIVEN BY LA. OFFICIALS

### Citizenship Exam Would Have 6 Questions

BATON ROUGE, La. (AP)—Louisiana officials outlined Saturday a proposed six-question citizenship test to be introduced in the 1962 Legislature as a means of assuring uniform voter registrations.

Chairman Frank Voelker Jr. of the State Sovereignty Commission described the move which he said represented 18 months of co-operative work by various state officials, legislators, registrars and district attorneys.

The new approach would involve "a citizenship test," Voelker said, "to ascertain whether applicants have at least a minimum knowledge of the U.S. Constitution and the Louisiana constitution."

#### INTERPRETATIONS

"We say this is absolutely necessary," Voelker commented. "A person can't be attached to something he doesn't know anything about."

Under present law, registrars call for interpretations of Constitutional provisions.

The Legislature convenes May 14, and in Washington, Southern Senators were fighting a federal administration measure to establish a sixth grade education as an adequate voter literacy test.

The southerners have branded the federal proposal a punitive, unconstitutional move aimed at the South in order to cater to minority groups.

In Louisiana, the "question of the uniform voter registration question outlined by Voelker has long been under consideration."

"In my opinion," Voelker said, "it is one of the finest proposals that ever has been offered in this state. I think it will greatly simplify the tasks of attorneys who have to represent registrars throughout the state."

#### FEDERAL ATTACK

Some Louisiana parish registrars have been under federal attack because of vote registration practices criticized by the U.S. Department of Justice.

In New Orleans, State Atty. Gen. Jack Gremlion is scheduled May 19 to seek dismissal

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# PROPOSED TEST

Continued from Page 1

Defendants include Gov. Davis, Lt. Gov. C. C. Aycock, House Speaker Tom Jewell—all board members—and Hugh Cutrer Jr., board secretary.

In his preliminary moves, Grumillion had filed a brief arguing the complaint, that only non-white persons attempting to register for voting must undergo voter qualification tests, should have been directed against the registrars in the parishes concerned.

In 1960, the Legislature set the last presidential election as the last date on which persons unable to read or write could register. Illiterates on the rolls before then remained registered.

Commenting on the new federal civil rights measure, Voelker said "the attempt to do away with literacy tests for voters is another effort to deprive the states of one of their constitutional rights, which they have historically exercised—and that is to control their own voter registration programs."

## WRITTEN EXAMINATIONS

Months ago, state Sen. E. W. Gravolet Jr., Pointe A La Hache, vice chairman of the joint legislative committee on segregation, was named head of an advisory group on voter registration and election laws.

At that time, the senator described the new voter registration plans sought for this state. He said a major objective was to see that written examinations were given, without discrimination, rather than oral ones or the

mere filling in of forms—as allowed in some parishes.

Several weeks ago, the Louisiana AFL-CIO adopted a resolution warning against any "unfair and unnecessary" requirements for voter registration.

Voelker said the proposed new tests on federal and state constitutions were "completely defensible against any attack, because it is reasonable, simple, fair."

"I personally hope the state administration will support the new program and that it will become law," the sovereignty chairman commented.

"Our proposed new citizenship tests would be objective tests," Voelker said. "A parish registrar would have no discretion—there would be four possible answers to each set of questions."

While Voelker said some 40

questions would be drafted, "a answer at least 50 per cent correct one applicant would be asked rectly."

Step-by-step procedures would more than six questions. Applicants would select a card of six he followed by each registrar in written questions and he would handling applicants.

**we are your**

**gift  
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HEADQUARTERS**

**See "THIS WEEK"  
Magazine  
in This Newspaper  
April 29, 1962, Issue**

**then see us!**

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## AYCOCK FLAYS CONTROL BY U.S.

Speaks at Meeting of La.  
C of C Unit

BATON ROUGE, La. (AP)—Lt. Gov. C. C. Aycock, denouncing what he called creeping socialistic federalism, said Tuesday he strongly opposed "any federally ordered or controlled reapportionment" of the Louisiana Legislature.

Aycock told the Association of Louisiana Chambers of Commerce reapportionment of state legislatures was one of four recent steps the federal government has taken—to add insult to injury already done to state sovereignty and the 10th amendment to the US constitution.

### SUPREME LAW

"Our dilemma of course, in essence," Aycock said, "stems from the pronouncements of the United States supreme court.

"Insofar as this august body is concerned," he said, "my only comment is that as an attorney, my respect for these learned jurists is of necessity exceeded by my respect for and devotion to the constitution which created the court itself."

He said the constitution remains the supreme law of the land although the executive branch of government ignores it, the legislative branch disregards it and the judicial branch misinterprets it.

Warning the Communists fish in troubled waters, Aycock said, "Our American way of life as we have known and understood it and socialistic federalism as is being advocated are incompatible—we must have one or the other — we can't have both."

Aycock, main speaker at an ALCC luncheon meeting, listed other recent steps toward centralism as fixing prices, regulating wages, and determining state voter qualifications, "all of which in effect bias free enterprise and states rights clean out of the water."

The lieutenant governor said, "Based on population changes, as far as Louisiana is concerned, perhaps a reapportionment of Legislature is warranted — but I strongly oppose any federally ordered or controlled reapportionment."

Several reapportionment bills have been introduced in the current session of the Legislature—one of them a general bill applying to House members and others adding seats in particular areas.

The US supreme court has ruled private citizens may take their complaints about state law.

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The US supreme court has ruled private citizens may take their complaints about state legislatures' failure to reapportion to the federal court system.

Aycock dished out general criticism at federal encroachment on states rights and private enterprises.

#### THE BACKBONE

"I shed no tears for big steel," the lieutenant governor said. "Yet, the preservation of a competitive economy is the backbone of our country."

"Honest competition," he said, "is the very heart of our free enterprise system. It is the businessman's role in a free economy."

He said, "Fixed prices and fixed labor must of necessity result in a static economy. I believe that if we subscribe to the theory that business should be free to charge what the traffic will bear, labor should be free to negotiate for wages which business can pay."

"The constitution says," he added, "that the states alone shall determine the qualification of voters."

"Yet," he said, "Congress is urged to pass a law providing that a six-grade education shall be accepted in all of the states as sufficient qualification for voting."

"The attorney general solemnly says all of this is constitutional," Aycock said, "yet any first year law student can tell you that not a single decision of the courts upholds this invasion of the rights of the states."

Socialism advocates, he said, among other things, that government should pre-empt the field of agriculture, housing, medicine, education and welfare.

"Every one of these socialist concepts," Aycock said, "is before Congress today bearing a government stamp of approval."

Aycock said a relentless racial policy is the most "current and illustrative example of the travesties being perpetrated by our government through its courts on the tenth amendment."

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CHAMBER OF COMMERCE OF THE

**NEW ORLEANS** AREA

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THE LEGISLATIVE COMMITTEE  
OF  
THE WOMEN'S AUXILIARY  
INVITES YOU TO HEAR

JUDGE TOM BRADY

OF  
BROOKHAVEN, MISSISSIPPI  
TUESDAY, MAY 15TH 11:45  
INTERNATIONAL HOUSE

Dear Member:

\$ 1.25  
Members only

Tom Brady, Judge of the 14th Circuit Court of the State of Mississippi and one of our outstanding Southern leaders, will be remembered as the keynote speaker of the Democratic National Convention in San Francisco in 1960. His magnificent hour-long talk broadcast from coast to coast on national television evoked praise from all sides. Hence, it is a rare privilege that he has consented to speak to our group.

Luncheon will be served from 11:45 to allow those who can come early to be served in advance. There will be a break at one o'clock so that our career women who are on a time schedule may leave, but for those who are able to stay a stimulating question and answer period will follow.

We hope to see you at this FEATURED LUNCHEON of the Legislative Committee.

## JUDGE URGES U.S. PULL OUT OF UN

### Judge Brady Blasts Coexistence Policy

Judge Tom Brady of Brookhaven, Miss., 14th circuit court of Mississippi, suggested here Tuesday the United States pull out of the United Nations and give the vacant seat to Red China.

That was Judge Brady's answer to the conservative movement to disassociate the US from the UN.

Addressing the legislative committee of the women's auxiliary, Chamber of Commerce of the New Orleans Area, at International House, the judge said the US should sever ties with "this social monstrosity, the UN."

Removal of UN headquarters to Moscow would be the worst possible blow to the Russians, he said. He believes such action would "set the Russians years behind."

Judge Brady said the US should have nothing to do with a world government because peaceful coexistence between the Communists and free nations is "wishful thinking and nonsense."

"Russia will make war the day she believes she can destroy us," he said. He called the UN "part of the Socialist-Marxist-Communist conspiracy that seeks to destroy us."

Judge Brady urged the women to write their US congressmen and senators and ask them to make arrangements to sever US ties with the UN.

The judge also billed old-age pension, the social security tax, big labor bossism, foreign aid and intergration as "schemes masterminded by the Communists, Socialists and Communist sympathizers."

"Walter Reuther is the most powerful man in the US, and he could have been president of this nation if he so wanted," Judge Brady said. He said Reuther, United Auto Workers head, has been trained in Russian labor principles.

The social security tax is a "truel deception in which the government collects taxes, not one cent of which is earmarked," he said. Social security revenues go into a general fund to pay operating expenses of the federal government and for "foreign giveaway" programs, he said.

Judge Brady said the US owes \$200 billion, slightly more than the national debt, in social security benefits, and does not have the money to pay those obligations.

He said old-age pension is a form of socialization, and added that every state in the union is "financially, morally and scientifically more capable than the federal government of taking care of unfortunate people."

Such plans, plus the spiraling national debt, are part of the Communists' plan to bankrupt the US, he said.

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STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

IN THE SUPERIOR COURT OF COOK COUNTY

FRANKLYN S. [REDACTED], et al.  
Plaintiffs

-vs-

ROBERT MORRIS, etc. et al.,  
Defendants

No. 61 S 19718

OPINION

Plaintiffs, as individual prospective purchasers of the book known as "Tropic of Cancer" by Henry Miller, and the publishers and author of this book, as Intervenor, seek to enjoin the Police Commissioner of the City of Chicago, and the Chiefs of Police of certain suburban municipalities, from interfering, or threatening to interfere, with the sale of this book. Principally, the defendants rely upon the right to interfere with the sale of this book upon the ground, as they allege, that the book is obscene, and that the sale of this book violates the ordinances of the City of Chicago and of the other municipalities, as well as the statutes of the State of Illinois.

The court could easily resolve this case upon the narrow ground that the police departments of the various municipalities are exceeding their authority by exercising "prior restraint" in banning this book from the shelves of the booksellers prior to a determination by a court of the character of the book. However, the court would dodge its responsibilities if it rules on such narrow basis and left open the determination of the principal issue in this case to be decided after arrests had been made.

BASIC QUESTION:

The basic question involved in these proceedings is whether or not this book "Tropic of Cancer" is obscene. If obscene, it does not enjoy the protection of the First Amendment or the Fourteenth Amendment of the United States Constitution. (Roth v. United States, 354 U.S. 476). Nor,

by analogy, is obscenity protected by the provisions of Article II, Section 4, of the Constitution of the State of Illinois of 1870.

The definition of the word "obscene" has received considerable attention in the Federal and State courts in recent years. Definition after definition has been expounded, rejected, modified and new ones adopted in a long series of decisions. A detailed analysis of the various standards for determining obscenity, considered by the courts from time to time, would unduly prolong this opinion.

#### LEGAL TESTS OF OBSCENITY:

A few cases decided during the last decade merit special consideration by this court - cases decided in the Supreme Court of the United States:

BUTLER v. MICHIGAN, 352 U.S. 380 (1956)

KINGSLEY v. REGENTS, 360 U.S. 684 (1959)

ROTH v. UNITED STATES, 354 U.S. 476 (1957)

and a very significant opinion rendered by the Supreme Court of Illinois:

AMERICAN CIVIL LIBERTIES UNION v. CITY OF CHICAGO,  
3 Ill. 2d 329-353 (1954)

The Butler case was an appeal from a conviction for the violation of a Michigan penal statute which made it a crime "to publish materials tending to incite minors to violent or depraved or immoral acts manifestly tending to the corruption of the morals of youth." Justice Frankfurter held the act unconstitutional. Speaking for a unanimous court, he said:

"It is clear on the record that appellant was convicted because Michigan by Section 343 made it an offense for him to make available for the general reading public (and he in fact sold to a police officer) a book that the trial judge found to have a potentially deleterious influence upon youth. The State insists that, by thus quarantining the general public against books not too rugged for grown men and women in order to shield juvenile innocence, it is exercising its power to promote the general welfare. Surely, this is to burn the house to roast the pig. \* \* \* The incidence of this enactment is to reduce the adult population of Michigan to reading only what is fit for children." (Emphasis supplied)

In the Kingsley case, refusal of a license to show a motion picture "Lady Chatterley's Lover" which had as its theme that adultery is right and desirable for certain people under certain circumstances, was held

to be in violation of the Constitution of the United States, Justice Stewart stating:

"Its guarantee is not confined to the expression of ideas that are conventional or shared by a majority. It protects advocacy of the opinion that adultery may sometimes be proper, no less than advocacy of socialism or the single tax. In the realm of ideas, it protects expression which is eloquent no less than that which is unconvincing. \* \* \*"

The case of United States v. Roth, cited above, consisted of two appeals heard and decided together by the Supreme Court of the United States - People v. Alberts, a conviction based on a California statute which made the distribution of obscene material a crime, and United States v. Roth, which involved a Federal statute which made criminal the transmission of obscene material through the mails. The Roth case has been generally recognized as the leading case on the subject of obscenity.

The opinion of the majority of the court was by Justice Brennan. Chief Justice Warren filed a concurring opinion. Justices Black and Douglas dissented and Justice Harlan dissented in part and concurred in part.

These cases squarely presented to the United States Supreme Court the question of constitutional protection of obscenity. The majority opinion established the proposition that obscenity, as such, does not come under the protection of the United States Constitution. To quote Judge Brennan's majority opinion:

"All ideas having even the slightest redeeming social importance - unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion - have the full protection of the guaranties, unless excludable because they encroach upon the limited area of more important interests. But implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. \* \* \*

However, sex and obscenity are not synonymous. Obscene material is material which deals with sex in a manner appealing to prurient interest. The portrayal of sex, e.g. in art, literature and scientific works, is not itself sufficient reason to deny material the constitutional protection of freedom of speech and press. Sex, a great and mysterious motive force in human life, has indisputably been a subject of absorbing interest to mankind through the ages; it is one of the vital problems of human interest and public concern. \* \* \*

The opinion rejects the old Hicklin standard of obscenity as the effect "of an isolated excerpt upon particularly susceptible persons," but

substitutes in its place this test -

"Whether to the average person applying contemporary community standards, the dominant theme of the material taken as a whole, appeals to the prurient interest." (Emphasis supplied).

above three decisions of the United States Supreme Court dealt with material which was not associated with any literary works, but was admittedly without any redeeming social importance. The material was considered by the court as "hard-core pornography." In the Alberts case, it consisted of bizarre photographs of nude women, and in the Roth case, it was mailed matter containing such titles as "Willet Nudes," "French Nudes at Play," "Photo & Body." The actual holding in the Roth case is that "hard-core pornography" - "dirt for dirt's sake," - does not enjoy the constitutional protection of free speech and press. However, there is clear indication in Judge Brennan's opinion that literary works "having even the slightest redeeming social importance" do enjoy the protection of the First and Fourteenth Amendments of the United States Constitution, and that "the portrayal of sex, e.g. in art, literature and scientific works, is not itself sufficient reason to deny material the constitutional protection of freedom of speech and press."

The zeal of the United States Supreme Court in protecting freedom of speech and press is evident in three per curiam opinions following the Roth case.

In ONE, INC. v. OLESEN, 355 U.S. 371, (1958), the Court of Appeals for the Ninth Circuit held that a magazine with a homosexual slant to be clearly obscene, saying that it was "offensive to the moral senses, morally depraving and debasing, and that it is designed for persons having lecherous and calicious proclivities." Yet, the Supreme Court of the United States reversed the Court of Appeals on the basis of the Roth case.

In SWISSE BOOK CO. v. SWISSE, 355 U.S. 372 (1958), the Court of Appeals for the District of Columbia affirmed the trial judge's finding that the pictures in the nudist magazine were vulgar, filthy, obscene and dirty. Yet, the Supreme Court of the United States reversed the

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Court of Appeals on the basis of the Roth case.

In TIMES FILM CORP. v. CHICAGO, 355 U.S. 35 (1958), the Court of Appeals for the Seventh Circuit, after seeing the motion picture, found "that, from beginning to end, the thread of the story is supercharged with a current of sensuality generated by a series of illicit sexual intimacies and acts. \* \* \* The narrative is graphically pictured with nothing omitted except those sexual consummations which are plainly suggested but meaningfully omitted and thus, by the very fact of omission, emphasized." It held that the motion picture was clearly obscene. Yet, the Supreme Court of the United States reversed the Court of Appeals on the basis of the Roth case.

These three decisions of the Supreme Court point unmistakably to the determination of the court to restrict obscenity to hard-core pornography.

The subject of obscenity in relation to literary works was considered by the Supreme Court of the State of Illinois, in the aforementioned decision (American Civil Liberties Union v. City of Chicago, 3 Ill. 2d, 334-353, (1954)). Although the Illinois case involved the right to exhibit a motion picture, the Supreme Court considered that the principles involving literary publications are equally applicable. Because of the clarity of the court's pronouncements, extensive quotations from this decision might be justified. Justice Schaefer, speaking for the unanimous court, states as follows:

"The formula in Regina v. Hicklin, (L.R. 3 Q.B. 360) contained two elements which imposed stringent requirements upon literature. The first of these was that a book was tested, by its supposed influence, not on the average, normal person, but upon those readers who were most susceptible to corruption by virtue of youth, ignorance, or sensual inclination. (Citations omitted) The second was that the presence of a single objectionable passage sufficed to condemn the entire book. (Citations omitted).

This combination of tests drew judicial fire as early as 1913 in United States v. Kennerly, 209 Fed. 119, in which Judge Learned Hand stated, "The question whether in the end men will regard that as obscene which is honestly relevant to the adequate expression of innocent ideas, and whether they will not believe that truth and beauty are too precious to society at large to be mutilated in the interests of those most likely to pervert them to base uses. \* \* \*

The Hicklin test was repudiated in the Federal courts, in proceedings under both the postal and tariff laws. The rule now followed there, and generally in the State courts is that a book is to be judged as a whole and in terms of its effect on the average, normal reader. (Citations omitted)

Furthermore, a book is not to be held obscene on the basis of language or episodes which, considered in the light of the work as a whole, do not represent a calculated exploitation of dirt for dirt's sake, but are fairly incident to some other artistic purpose, such as the exposition of some thesis of the author (Citations omitted) or the realistic portrayal of some region, or historical period, or social group. (Citations omitted) In such cases the book is said to fall outside the category of the obscene, since taken as a whole its 'dominant effect' is not that of exciting sexual desires. (Citations omitted)

The general course of decisions indicates that the work in question is approached as an aggregate of different effects, and the determination turns on whether the salacious aspects are so objectionable as to outweigh whatever affirmative values the book may possess (see United States v. Dennett, 39 Fed. 2d 564.) \* \* \* This view appears to be implicit in the decisions which justify obscenity on the ground of social realism. \* \* \*

Two well known books dealing frankly with sex experiences and dirty four-letter words ("Ulysses" and "Lady Chatterley's Lover") were held by the United States Court of Appeals as not obscene. (U.S. v. ULYSSES, 72 Fed. 2d 705, and GROVE PRESS v. CRISTENBERRY, 276 Fed. 2d 433).

The Besig case (BESIG v. U.S., 208 Fed. 2d 142, Northern District of California 1953) whereby the Court of Appeals sustained the banning of "Tropic of Cancer" by the Customs Office is no longer authority, by reason of the removal in 1961 of such ban by the Customs Office. Furthermore, this decision rested on the Hicklin test of obscenity which has since been rejected by all United States Courts.

Undoubtedly, had the Besig case been appealed to the Supreme Court of the United States it would have been reversed on the basis of the Roth case.

In summary, the now accepted legal test of obscenity is whether

- (a) to the average person,
- (b) applying contemporary community standards,
- (c) the dominant theme of the material,
- (d) taken as a whole,
- (e) appeals to prurient interest.

The presence of a single objectionable passage, the influence of the book on youth, the abnormal, or the erratic, or the advocacy of unpopular



theses no longer are accepted as a legal test of obscenity.

LEGAL TEST AS APPLIED TO "TROPIC OF CANCER."

The Court is now prepared to consider each of the elements in the test for obscenity, as applied to "Tropic of Cancer."

(1) affecting the average person: The argument most frequently advanced against the publication of objectionable literary material, is that it might have harmful effect upon the young. Justice Frankfurter, in the Butler case, effectively answered this argument, as quoted above:

"The incidence of this enactment is to reduce the adult population ... to reading only what is fit for children."

Furthermore, there is no reliable evidence that the reading of books of the character herein involved, is a factor in causing juvenile delinquency. A number of studies conducted indicate that reading is a very minor factor. One particular study conducted by Brown University, reaches that conclusion, and finds that the most significant factors contributing to delinquency are rather (1) the defective home environment; (2) educational deficiencies; (3) unwholesome use of leisure time; and (4) psychological defects. Young criminals who commit crimes of violence, such as rape or murder, for the most part are of low educational levels. Hard-core pornography, such as is surreptitiously sold, is generally the material read by such delinquents - hardly books of the caliber of "Tropic of Cancer."

"The average person" contemplated by the Roth test refers to the average, normal adult readers. Such readers are not a captive audience. Reading "Tropic of Cancer" is their voluntary act. They have the power to be their own censors. Because someone may find the book unpalatable is no justification for depriving others of their free choice to read the book.

(2) applying contemporary community standards: In its reference to "contemporary community standards" the Supreme Court of the United States recognized that community standards change with time; that what

might not have been acceptable in 1934, when the book was published, might be acceptable today. A degree of sexual frankness, shocking a generation ago, creates no particular comment today. Newspapers which, a generation ago, hyphenated the word "hell" by "h--l" and the word "damn" by "d--n", today report, with propriety, stories of adultery, rape, and other crimes, as routine items of news. Reports of sensational trials involving murder, divorce, prostitution and the like, are recognized as proper reading matter for the public, by young and old alike. The coverall bathing suit is being replaced by the bikini. The ballroom dance of old has been replaced by the Twist. Some musical comedies of today would be considered in the category of the burlesque shows of old. Present day novels, theatrical performances, motion pictures, television shows, and other entertainment are replete with sex angles and suggestiveness. Perhaps society is more sophisticated today than it was a generation ago, without any loss of its moral values.

By the standard of today, the use of dirty words or the description of lewd and vulgar incidents, do not seem to have the impact upon our moral senses that they did years ago.

The climate has also been changing as to censorship. Except during a period in the early '50s when people feared the utterance of any liberal thought, freedom of expression has become the dominant trend in literature, art and science.

(3) Concerning the dominant theme of the book: "Tropic of Cancer" was first published in France in 1934. It is a novel in the first person, partly autobiographical and partly fictional. It is a story of the life of certain American and other expatriates such as writers, artists, students and plain idlers in the Montparnasse section of Paris during the depression years of the early '30s. It is a day to day story of the physical and emotional struggle of those poor, idle, lecherous and "Bohemian" characters, huddled in a district of Paris of cheap hotels

and rooming houses, brothels and houses of prostitution, searching for physical, emotional and sexual adventures.

This Court does not claim the distinction of being a literary critic and would not venture to decide this case upon its own judgment of the book's literary value. The Court must depend, as to that issue, upon the expert testimony as well as documentary evidence, produced by both parties.

The plaintiffs have introduced the oral testimony of a professor of modern literature, a literary editor of a Chicago newspaper, and a mass of opinions of literary critics, authors and reviewers who characterized "Tropic of Cancer" as of substantial literary value. A few brief quotations concerning the literary value of the book are as follows:

John Ciardi - Poet and Writer: "There can be no doubt that Tropic of Cancer is a substantial piece of art."

Norman Cousins - Editor of the Saturday Review: "Tropic of Cancer is one of the noteworthy books of this century."

Lawrence Durrell - Writer: "For me, Tropic of Cancer stands beside Moby Dick."

T. S. Elliott - Nobel Prize Winner, a prominent Catholic: "A very remarkable book with passages of writing in it as good as I have seen for a long time."

George Orwell - Writer: "It is an important book."

Sir Herbert Read: "One of the most significant contributions to literature of our time."

Among others who consider "Tropic of Cancer" a substantial contribution to literature, are Wallace Fowlie, a leading Catholic writer; Karl Shapiro, a Pulitzer Prize Winner and Editor of Poetry Magazine; Horace Gregory, Aldous Huxley and others.

Many more quotations similarly evaluating the book as of substantial literary merit could be added from the large mass of exhibits in evidence.

Favorable reviews of the book appeared in Esquire Magazine by Dorothy Parker, in the New York Herald Tribune, by Maurice Dobier, in the Saturday Review by Ben Ray Redman, in the San Francisco Examiner, Milwaukee Journal and the Library Journal, the Chicago Sun-Times, Washington

Post and others. Two national book clubs have selected "Tropic of Cancer" for reading by their members.

The defense submitted the testimony of a minister, a psychiatrist, a social scientist, the head of a crime prevention agency and a columnist of a Chicago newspaper, all eminent in their respective fields of endeavor, who condemned the book as obscene. None of them, however, laid claim to being a literary expert and rendered no opinion on the literary value of the book. Only one book reviewer stated that "Tropic of Cancer" has no literary value whatsoever.

The two or three unfavorable reviews and opinions introduced by the defendants, with the exception of one witness, do not question that the book has some literary value. Life Magazine, one of the exhibits in evidence, characterizes the book in the following language:

"Tropic will be defended by critics as an explosive corrosive, Whitmanesque masterpiece (which it is) and attacked as an unbridled obscenity (which it is)."

The author, Henry Miller, has been acclaimed as one of the great writers of the present age by many literary critics. Many books have been written about his literary works. He received many honors for his literary attainments. No one, not even the defendants, suggested any doubts of his recognition as an outstanding contemporary author.

From all of the evidence, the Court concludes that "Tropic of Cancer" is a literary work of substantial merit and, consequently, of social importance; that the dominant theme of the book is a vivid, realistic, skilled, truthful and sincere portrayal of a group of "Bohemian" characters in the region of Paris known as the Montparnasse, during the depression years of the early 1930s. In the words of Edmund Wilson, in the Literary Chronicle, page 212:

"'Tropic of Cancer' is a good piece of writing and it has also a story of historic importance. It is the epitaph for the whole generation of American writers and artists who migrated to Paris after the war. The theme of the Tropic of Cancer is the lives of a group of Americans who have all more or less come to Paris with the intention of occupying themselves with

literature, but who have actually subsided easily into an existence almost exclusively preoccupied with drinking and fornication."

(4) The book taken as a whole: Undoubtedly, "Tropic of Cancer" contains an abundance of lewd, vile, vulgar and revolting language, as well as obscenities. The Court, in its first reading of the book, was shocked and found the language and descriptions as most revolting. Were these portions of the book to be considered apart from the book as a whole, in isolation, the Court would not hesitate to characterize that material as pornographic and obscene. However, the test established in the Roth case requires that the book be considered as a whole and not dissected into separate parts - good and bad.

The literary experts who testified in this case, as well as many of the treatises dealing with this book, maintain that those portions of the book which deal with sexual experiences or with bodily functions, or which employ the Anglo-Saxon four-letter dirty words, are relevant to and constitute an integral part of the book, and that all the vulgarity is overshadowed by the dominant theme of the book and its literary quality.

To paraphrase the language of Judge Augustus Hand in the Ulysses case (UNITED STATES v. ONE BOOK ENTITLED ULYSSES, 72 Fed. 2d 705) as equally applicable to "Tropic of Cancer", the Court concludes that the numerous long passages in the book containing matter that is obscene under any fair definition of the word, cannot be gain-said; yet, they are relevant to the purpose of depicting the actions and the thoughts of the characters and are introduced to give meaning to the whole, rather than to promote lust or portray filth for its own sake. The book depicts the souls of men and women that are by turns bewildered, sordid, ugly and beautiful, hateful and loving. In the end, one feels more than anything else, pity and sorrow for the confusion, misery and degradation of humanity.

(5) Does the book appeal to "Prurient interest?" The words "prurient interest" refer to the stimulation on the part of a reader of sexual thoughts or desires, or the stirring of sexual impulses. Most of the witnesses who testified in this case, claimed that the vulgar and lascivious portions of the book aroused in them revulsion and disgust, rather than the stimulation of desire. However, while the above definition of "prurient interest" may apply to hard-core pornography, it can have no application to works of literary value or merit.

The court is inclined to the view of Justices Douglas, Black and Harlan, in the Roth case, to the effect that the government could not control speech in an effort to control thoughts, sexual or otherwise. They quote Lockhart & McClure, (38 Minn. L. Rev. 295, 387:)

"The danger of influencing a change in the moral standards in the community, or of shocking or offending readers, or stimulating sex thoughts or desires, apart from objective conduct, can never justify the loss to society that results from interference with literary freedom."

Such regulation could only be justified on the theory that it might affect conduct.

There is no demonstrable connection between the reading of material dealing with sex on the one hand and criminal activity on the other. Judge Frank, in United States v. Roth, 237 F. 2d 796, states as follows:

"Although the whole subject of obscenity censorship hinges upon the unproved assumption that 'obscene' literature is a significant factor in causing sexual deviation from the community standard, no report can be found of a single effort at genuine research to test this assumption by singling out as a factor for study the effect of sex literature upon sexual behavior. What little competent research has been done, points definitely in a direction precisely opposite to that assumption."

Revulsion and disgust have never been considered by the courts as an element in the definition of "obscene."

(6) Additional findings: "Tropic of Cancer" was banned from the United States until the early part of 1961, by reason of the ruling of the Customs Office and the Postoffice of the United States. Based upon an

opinion by the United States Attorney that the book is not obscene, the ban by the Customs Office and the Postoffice has been removed. It is now permissible to mail "Tropic of Cancer" anywhere in the United States and to import and export same to and from this country.

The book may be freely purchased in New York, Washington, San Francisco, Detroit, Springfield, Illinois, and a number of other cities. The Attorneys General of some states and authorities in a number of cities have ruled that the book is not obscene. In Philadelphia, the Bar Association officially intervened in a case in behalf of the book. "Tropic of Cancer" is to be found on the shelves of many of the libraries of American universities. In some universities, studies of the book are part of the course in English literature.

#### CONCLUSION

The Court is committed to the principle expressed by the majority opinion in the Roth case, as follows:

"The fundamental freedoms of speech and press have contributed greatly to the development and well-being of our free society and are indispensable to its continued growth. Ceaseless vigilance is the watchword to prevent their erosion by Congress or by the States. The door barring Federal and State intrusion into this area cannot be left ajar."

Censorship is a very dangerous instrumentality, even in the hands of a court. Recent history has proven the evil of an attempt at controlling the utterances and thoughts of our population. Censorship has no fixed boundaries. It may become an oppressive weapon in a free society.

Taste in literature is a matter of education. Those who object to the book are free to condemn and even to urge others to reject it. Organizations, such as church societies, and other sincere groups are free to condemn any book they deem objectionable. Such efforts would help to educate the literary tastes of the reading public. Reviews and comments in the press are calculated to such purpose. Such voluntary efforts are praiseworthy and consonant with democratic principles.

In the words of Justice Douglas, in the Roth case:

"I have the same confidence in the ability of our people to reject noxious literature as I have in their capacity to sort out the true from the false in theology, economics, politics or any other field."

However, that is a far cry from censorship established by law whereby all readers are geared to the taste of the relatively few.

Hard-core pornography, it is agreed, has no social value, whatsoever, and does not enjoy the protection of the 1st and 14th Amendments to the Constitution of the United States, but literature which has some social merit, even if controversial, should be left to individual taste rather than to governmental edict.

Let the parents control the reading matter of their children; let the tastes of the readers determine what they may or may not read; let not the government or the courts dictate the reading matter of a free people.

The constitutional right to freedom of speech and press should be jealously guarded by the courts. As a corollary to the freedom of speech and press, there is also the freedom to read. The right to free utterances becomes a useless privilege when the freedom to read is restricted or denied.

This Court finds, based upon the evidence before it and the decisions of the United States Supreme Court and the Supreme Court of the State of Illinois, and by virtue of the Court's conviction of the inherent constitutional rights and privileges of the reading public of our community, that "Tropic of Cancer" is not obscene as defined in the law, and that interference by the police in its free distribution and sale should be enjoined.

In view of the ruling of this Court, it becomes unnecessary to consider other issues raised by the pleadings in this case.

Samuel B. Friedman, Chief Judge

Superior Court of Cook County, Illinois

Reel 2





Photo 2

DAY, MAY 1, 1962

## Judge Marion Boyd Has Earned Promotion

The Press-Scimitar believes that when there is a vacancy in the Supreme Court or on a Court of Appeals that the best replacement is a judge of a lower court who has made a good record.

The logical choice to succeed the late Judge John Martin on the Appeals bench is Judge Marion Boyd of the Western District of Tennessee.

After service as attorney general Marion Boyd has served for 22 years on the federal bench. His record in clearing his dockets is unsurpassed and for it he has won praise from the administrative office of United States courts.

Judge Boyd has firmly upheld the laws against income tax frauds and against conspiracies in restraint of trade. The FBI has not brought their well-made criminal cases into his court in vain.

Judge Boyd has been honored by being chosen for membership in the Judicial Conference which is composed of the Chief Justice of the United States Supreme Court, the chief judge of each circuit, and one district judge in each circuit. He has twice sat on the Appeals bench for Judge Martin.

He has been endorsed for the Appeals vacancy by the five Circuit judges. He has been endorsed by 370 lawyers of Memphis and by many elsewhere in West Tennessee. The objection of the NAACP is not well founded.

This conscientious, tried and proven judge deserves promotion. There is no question of his superior fitness and there should be no question about his appointment.

Boyd

WEDNESDAY, MAY 1, 1962

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FRANKLIN TOWNSHIP, N. J., March 4 --- Senator Harrison A. Williams (D., N.J.) asked today for "long and serious soul-searching about northern attitudes on civil rights."

One of the by-products of the discussion of Englewood school policies, he said, should be a fresh reminder that there are forces in the north that are keeping all citizens from enjoying full civil, economic, and social rights.

"Let's have no shrinking away, therefore, from the issues that have been raised in New Jersey," he said. "Pretty words won't answer the questions that have been asked. Neither will apathy. New Jersey can and will deal with these questions and show to the nation that northern states will do their part in a national effort to secure full equality of opportunity for all races."

The Senator spoke today at the Brotherhood Rally sponsored by the Franklin Township (Somerset County) Civil Rights Commission. In remarks prepared for delivery at the Franklin High School, he described the recent events in Englewood, N. J., where critics of the school system have said that the neighborhood school policy has resulted in de facto school segregation. The Senator commented:

"Already we have had a thorough airing of the neighborhood school policy, and we know by now that no arbitrary policy will satisfy communities throughout the state. What works well for Morristown or Princeton might not be very helpful in Englewood or Plainfield. Each town must recognize that they have a stake in finding the right answer. If our flight to the suburbs in this state is simply a cover-up for a flight from social justice, then we're in sad shape, and we had better start thinking about what's happening to us."

"As Governor Hughes has already made clear, we face not one problem about the neighborhood school policy, but many problems all related to the forces at work in urban areas of the north."

"As negroes come north, many of them settle in sections of the city abandoned by whites who have left the cities for the suburbs. The non-whites in the cities find that their pay is usually low because of

Reel 2

with attitudes too. And how are our attitudes up north?

"I was interested in recent findings announced by Elmo Roper, the public opinion analyst. He also happens to be Chairman of the Connecticut Commission on Civil Rights, and he has found that most citizens in Connecticut agree that negroes should be allowed to hold any kind of a job for which they are fitted. But there was a sharp drop in the 'yes' answers when they were asked whether negroes should be allowed to buy whatever homes they wanted. Dr. George Gallup, who conducted a similar poll, got similar results. He found too that northerners didn't seem to mind if 30 per cent of students in a classroom are negroes, but that they react pretty much the way southern whites do if the percentage rises to 50 per cent or more.

"Clearly we have some soul-searching to do. Citizen groups in many parts of the state are already at work to prevent further separation of the races. We need more of that kind of spirit, and we need more groups like the Franklin Township Civil Rights Commission. The quiet, year-in and year-out work of this Commission has advanced its objectives notably in this area. There can be no part-time enthusiasm for Civil Rights; we must be prepared for a continuous effort, and your Commission is geared for just that."

###

Reel 2

# Rabbi Claims Racial Problem Is Concern Of Whole County

## He Predicts That Englewood Situation Will Occur In Other Towns

By JOHN H. KURN  
Regional Editor

Cluster — "The race problem in Englewood is insoluble on an Englewood basis and must be attacked on a County-wide basis with wise statesmanship," Rabbi Arthur Hertzberg told 25 persons at Temple Beth-El last night.

### NEXT 25 YEARS

"We must play some games over where we live next, but not just to do with the problem," Rabbi Hertzberg said in his talk at Beth-El's Lodge 275.

Rabbi Hertzberg, spiritual leader of Englewood's Temple Emanuel, said that unless something is done on a County-wide basis the problems which now exist in Englewood will exist in other Bergen County towns in the next 25 years.

He said the Negro population in Bergen, now about 10,000, will double in the next 10 years. He said it may be 20,000 or 25,000 by 1975.

Noting there are no real apartments in the Fourth Ward of Englewood, Rabbi Hertzberg said the Negro is moving. He said the move will be a mile a year and the Valley could become a suburban Harlem.

"Do not pretend that color does not matter," the Rabbi said. "It

is there. Liberals are trying to act as though it were not there."

Rabbi Hertzberg said Bergen County has to develop a plan for open housing, but he continued the system must be such that the percentage of Negroes in a given area does not become so high that there is a temptation for whites to move. The speaker added:

"If such a plan is not developed, there will be a growing Harlem through the area. Not a quota, but an understanding must be developed."

"If there is a reason to be learned, the lesson is that this is not an Englewood problem, or a Bergen County problem but an American problem," he said.

"No one can say, 'You do it while I sit by,'" he continued.

Rabbi Hertzberg said he felt the sit-in demonstrations on February 1 and the demonstrations which have taken place since have done more harm than good.

He said that before the demon-

stration one could still get the people on the Hill to give a little before the City got in his words, kicked in the teeth. The reference to the Hill is to the east side of Englewood on the west slope of the Palisades. It is in the area where many prominent families live.

Rabbi Hertzberg said that now the Hill will not give an inch for fear of giving the town to the Negroes.

The Rabbi referred to what he called one of the basic problems faced by Negroes, who he said are asking, "How do we find a Harlem?"

He said the Negro wants his children to get a decent image, which can be obtained by sending the child to a all-Negro school. The speaker said there is no sense of ambition in the all-Negro school.

Unlike the Jew, the Negro does not have the family structure or hierarchy, the Rabbi said, adding that the Negro says:

"You can move, but I can't."

Rabbi Hertzberg said segregation in Englewood was avoided because of a small group working quietly. He said at one time there were only three persons on speaking terms with both the Mayor and C. O. R. F.

"The Northern attitude is all for desegregation if one lives 2 miles from where it will be, and some one else is doing it," declared the Rabbi.

Rabbi

# Newark Evening News

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## Newark's Example

**T**HROUGH voluntary negotiation Newark has arrived at a method of reducing racial imbalance in its public schools. The agreement was reached in a spirit of reasonableness and mutual accommodation that commends itself to all communities with a like problem.

By mutual consent, the basic principle of the neighborhood school system is retained. Besides its administrative advantages and economies, this system provides basic recognition of the classroom as an important ingredient of local community life.

Through modifications now adopted, pupils will be permitted to transfer to schools where ethnic groups are in better balance, if seats are available, and providing they undertake their own transportation.

This arrangement recognizes the undesirable effects that residential segregation has produced in some schools. It represents an honest effort toward improvement while avoiding the wholesale dislocation of students and other disadvantages of open enrollment.

A significant advance has been made. To carry it forward, the school administration will continue its study of minority groups and consult with a representative citizens advisory committee on ways of improving their integration.

A pattern of harmonious association thus has been set. No reasonable person can question that solutions arrived at in the spirit of understanding now being displayed in Newark are infinitely preferable to the abrasive process of writs, injunctions and decrees that recourse to the courts entails.

# Segregation Study OK'd

But Plainfield Feels 'Development' Unharmful

Special to New York News

PLAINFIELD — The Board of Education has officially recognized the existence of "de facto segregation" in the elementary of school here but doesn't feel it has hindered any pupils' educational development. The board last night decided a position in partial agreement with charges made by the local chapter of the National Association for the Advancement of Colored People last summer in a resolution approving the appointment of a study commission to study the effects of racial imbalance in elementary schools.

The statement said in part: "The Board of Education realizes that the residential pattern of our city results in a numerical predominance of pupils of one race in one or more of our elementary schools due to the racial composition of the neighborhood."

## Not Disagreeing

Arthur J. Pines, superintendent of schools, said that the board had no disagreement with NAACP charges which claimed the racial imbalance. The resolution also stated: "The elementary schools, raising patterns and procedures of the Board of Education have been implemented without regard to the racial composition of the schools involved and such policies have not hindered the educational development of all pupils by virtue of their school assignment."

At the request of board member David Bonner, the board agreed to modify this section to read: "It is the belief of the board that such policies have not hindered." Bonner said that although he hoped the study would bear out his first statement he said it was "equally a possibility" which might prove to be a matter of opinion.

Under the resolution the study team will take a racial census and survey attitudes and values of various groups of citizens. Ruston Leffman, chairman of the city's lay advisory committee, said last night the team will be paid \$5,000 for fees and expenses. It will make a report to the lay advisory committee by June 15.

Members of the study team are Dr. Max Wolff, an NYU sociologist, Dr. Stuart Cook, head of the NYU psychology department, Dr.

Don Dill, in head of the NYU Institute of Human Relations, and several others, and the remaining Dr. Milton Steinbach and Dr. Joseph W. Berman, who have had named the existence of "de facto segregation" in the elementary of school here but doesn't feel it has hindered any pupils' educational development.

The NAACP charges revealed that in the East that the Washington School had 91 and 100 percent Negro students. The Washington School had 91 percent Negro students, the Washington School had 100 percent Negro students, the Washington School had 100 percent Negro students, the Washington School had 100 percent Negro students.

# Englewood Stand

Urban League Picks School Plan

Staff Correspondent

ENGLEWOOD — The Urban League of this city has announced to the Board of Education its support of one of the six proposals made in the depth study of Englewood and its school system.

The League also member school members both Negro and white, said it had studied the six alternatives offered by the study group headed by Dr. Harry L. Strauss, city superintendent of schools, and favored the final suggestion.

"Therefore," the League said, "the board of directors of the Englewood Urban League recommended the following in keeping with the position on statements adopted by the board Feb. 5, 1961."

## Call for Action

"That the Board of Education take immediate action to facilitate the implementation of the accepted recommendations."

"That the Board of Education take all necessary steps wherever they are needed to enrich the curriculum by providing additional services in remedial reading, writing and arithmetic; increase counseling and guidance services and add to the number of social workers and psychologists."

"That, unless the area around Lincoln School be rehabilitated immediately, the school be abandoned and the school properties on East Street be redeveloped and opened for use in September, 1962."

"That, with regard to the segregation of the Lincoln School be converted into an intermediate school for all Englewood students in grades five and six. The remaining elementary schools should be used for children in

and most challenging suggested by the four-man study group headed by Dr. Strauss. Other members of the group included Dr. Robert C. Wood, professor of political science at Massachusetts Institute of Technology; Dr. Robert Coleman, professor of sociology at Rutgers University; and Dr. Han W. Holsen, professor of Education at New York University.

The program they suggested would involve extensive renovation of the Lincoln area around the Lincoln School which has a present Negro enrollment of 97 percent.

It would include the relocation of displaced families in a total effort to attract a interracial housing through redeveloping the extensive area around the Lincoln School and finally the establishment of an intermediate school to serve all the children of the city in the Lincoln area.

## Retain Grammar Schools

The group would call for the retention of the present five intermediate schools in the city. They would also retain the five grammar schools in the city which are currently in the process of being converted into intermediate schools.

Students from throughout the city (however small) be enrolled in grades five and six or less five and six of the centrally located school provide a rounded and balanced Lincoln School.

The city presently has a school in power high school and Lincoln Middle School, both of which serve the entire city.

# To End Bias In Housing

Authority in Jersey City Agrees It Will Draw Plans

Staff Correspondent

JERSEY CITY — The Jersey City Housing Authority agreed last night to develop plans for anti-segregation in the city's new housing program.

The announcement followed two days of meetings with Joseph J. Kohn, assistant manager of the New York Regional Office of the Public Housing Administration, at the authority's office at 111 New York Ave.

While the authority met privately with the PHA officials, some 200, mostly Negro, gathered in the public meeting room to sing hymns and pray for the new housing program.

## Organized by CORE

The demonstration was organized by the recently formed local chapter of the Congress of Racial Equality.

The commission said it would have no definite proposals to make until it has received the results of the study. It also said it would be expected to begin work in two weeks.

Of the city's eight projects, three are predominantly Negro. They are Marion Gardens, the Jersey Gardens and the Washington Apartments. The other five are predominantly white.

# To Hold Card Party

FAST HANOVER — The

over Park High School PTA will hold its annual card party and cake sale March 20 at 8 p.m. at the high school. Proceeds will benefit the scholarship fund.

Reel 2



## But Plainfield Feels 'Development' Unharmful

Secretary of Education in Illinois. The NAACP survey revealed that the Washington Group had not been successful in securing a permanent position in the Federal Government. The board of directors of the Washington Group, which had been formed in 1941, had been unable to secure a permanent position in the Federal Government. The board of directors of the Washington Group, which had been formed in 1941, had been unable to secure a permanent position in the Federal Government. The board of directors of the Washington Group, which had been formed in 1941, had been unable to secure a permanent position in the Federal Government.

## Urban League Pick-School Plan

Members of the study team are Dr. Max Wulfi, an NYU zoologist, Dr. Stuart Cook, head of the NYU psychology department, Dr.

"That, with regard to the segregation of the Lincoln School for conversion into an intermediate school for all Englishment students in grades five and six. The remaining elementary classes should be used for children in kindergarten, through grade four. These should be received in such a fashion that no school has more than a percentage of Negro students equal to the percentage of Negro students in the school population of the entire city.

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**EAST HANOVER** — The annual cake sale at Park High School will be held March 26 at 8 p.m. The high school principals will treat the scholarship fund.

# No Segregation in Princeton

## End of Neighborhood School Solved Problem

By NED SCHULMAN  
Staff Correspondent.

PRINCETON — Situated in a neighborhood of weathered wooden homes that clash with the luxury around them is Princeton Borough's Witherspoon School.

Here, the borough's entire fifth through eighth grade population — 188 students — attend school. Less than a half mile away 675 other children take their kindergarten through fifth grade education at Nassau School.

The arrangement is unique in the state. By eliminating each building as a neighborhood school 14 years ago the borough eliminated segregation in its school system.

The new state Constitution, promulgated the year before, demanded the segregation that had existed in Princeton before the plan was adopted.

The complete integration that followed came, however, without legal or group pressures. And it came in a community in which the Negro population still lives in a small and less desirable residential area of the borough.

TODAY, WITH NEGRO leaders mounting a strong bid for greater school integration in the North, new attention is being focused on "The Princeton Plan."

With backing from the National Association for the Advancement of Colored People, other northern communities have tailored the Princeton Plan to their needs. Population and geography are the key factors in determining whether it will work.

There are 11,800 persons in Princeton Borough, about 11 per cent of them Negroes. Among the 500 children in the elementary schools, the percentage of Negroes is slightly higher than in the population as a whole. Of the 33 teachers, six are Negroes.

In larger communities, Negro

leaders have argued, a modified version of the Princeton Plan could be adopted within one area of a community.

One of the arguments against abandonment of neighborhood schools is that transportation would have to be provided for children. The Princeton system provides no transportation for its elementary school students. The students either walk, ride their bicycles, or are driven to school in private cars.

THE YARD OUTSIDE the Witherspoon School, outfitted with a well filled bicycle rack, is evidence that the sixth through eighth graders have found an adequate substitute for the school bus.

Nassau School, centrally located in the borough, is no further than a mile from any pupil's home. Car pools provide transportation for the youngest students. Those in the higher grades generally walk—over routes strictly controlled by school crossing guards and Princeton policemen.

Dr. Chester Stroup, borough school superintendent, points proudly to the academic achievement of his integrated school system.

"The aspirations of our Negro community are high," he said simply.

Both Dr. Stroup and Howard Waxwood Jr., principal of the Witherspoon School, agree that socio-economic factors, not color, are significant in determining where a child will place academically. Waxwood is a Negro.

With some notable exceptions, Waxwood declared recently that it was "a money line" rather than a color line that determines how far a student will go in getting an education.

BOTH DR. STROUP and Waxwood have seen the school community as a segregated and integrated one. Dr. Stroup was

principal of the all-white Nassau School when the integration plan was implemented. Waxwood, in addition to being principal of the then all Negro Witherspoon School, has a memory of something less than happy days as a student from kindergarten up in the same school.

Dr. Stroup credits the "conscience" of the community with bringing about the integration plan. Waxwood says that in the absence of community pressure at the time the credit must go to a "fair-minded" Board of Education.

Curiously, Waxwood recalled the main objections to the new plan came from Negroes who didn't think they could provide transportation to get their children to school.

Both men admit that there was resentment among some white residents. The objections were never made publicly, however, and both men agreed that there is virtually universal approval of the plan now.

IN THE SCHOOLS themselves there is the actual amount of intermingling, with Negroes on the student council and serving as club officers. Outside school their teachers say, lasting friendships have been formed.

A young Negro teacher new to Princeton, summed up her feeling this way:

"People do everything for the underdog here. It may have started or helping out Negroes. Now it doesn't matter who it is."

REAL ESTATE and Home Building sections appear every Friday and Sunday in The Newark News.

Ne

**United States Senate**

**MEMORANDUM**

**REACTIONS, DEVELOPMENTS ELSEWHERE  
IN NEW JERSEY.**

*Reel 2*

# The New Jersey Picture

United Press International

**T**HE segregation controversy in New Jersey has begun to shift away from the question of integrated schools to the broader issue of more integration in public housing.

State Negro and white leaders view the housing problem as one which could explode in almost any of New Jersey's larger cities which have federally financed public-housing projects.

The Negro fight for greater equality in the State made headlines 4 weeks ago during the school test case in Englewood when the parents of nine Negro youngsters were rebuffed when they sought to transfer their children from a heavily Negro to a predominantly white elementary school.

Within days, integration movements blossomed in Newark, Orange, and Plainfield, and suits

were filed in federal court charging segregation in the Englewood and Newark school systems.

But now the question of segregation in housing has come to the fore. It currently is centered in Jersey City. There, tenants are threatening a court suit in 2 weeks unless their demands for more integration are met.

It could spread to other cities in the State.

A check of local housing authorities in New Jersey shows that almost all of the State's larger cities have some degree of racial imbalance in their projects.

In Jersey City, for example, both Negro and white officials agree that three of the City's eight projects are predominantly Negro, the other five predominantly white. They range from the

(Continued on Page 13)

## The New Jersey Picture

(Continued from Page 2)

all Negro, old family Parker T. Washington project in the City's Bergen-Lafayette section to the ultramodern Carrig Woods project, which has only 21 Negro families living in 712 housing units.

Newark's 14 housing projects also are divided along racial lines. Statistics released by the City's Housing Authority show that such projects as the Rev. William P. H. Jones and the Stella Wright are more than 95 per cent Negro, while a project such as Columbus Homes is less than 15 per cent Negro.

The situation holds true in New Brunswick where, according to Housing Authority Executive Director J. A. McHenry, the Roberson project, with 64 families, is 100 per cent Negro, but the Schwartz

Homes, with 200 families, is more than 75 per cent white.

In Hoboken, Edward DeFazio, Housing Authority executive director, said his city's three projects have 30 Negro families and 470 white, but he says all three projects are integrated.

In Elizabeth Housing officials say one project listed as NJ-1, has less than 7 per cent Negro families, while the city's two other projects combined have about 27 per cent Negroes.

Morristown, which has two housing projects, reports both are predominantly Negro, with 82 Negro families in one and 42 in the other, out of a total of 150 housing units.

Camden's six projects, housing

close to 2,000 families, are reported by families there as integrated, but no breakdown of statistics have been made public.

The fight in Jersey City has sent both white City officials and Negro integration leaders into action. Mayor Thomas Gangone reports that the charge that Negroes in Jersey City are discriminated against is under study by both federal and local officials.

He denies, however, that de facto segregation in housing projects is as serious as Negro leaders say it is. The Jersey City Housing Authority's executive director, Joseph E. Connolly recently brushed off the charge. "We don't practice segregation in Jersey City," he said.

Reel 2

to believe in litigation by or

There is little doubt, however, that Zuber has probed the NAACP into a more active role in the state. And there is also little doubt of their common purpose.

The NAACP, while keeping away from controversy in its dealings with Zuber, was at first, with him, in working out a solution to the Newark school situation. Similarly, it hoped to finance the Newark suit, called off after the school board and Negro leaders had reached agreement.

**SUITS AGAINST** Englewood and Orange school authorities charge deprivation of rights under the "due process of law" clause of the 14th Amendment to the Constitution. But they raise different and vital points in the Negro's drive for greater integration.

In Englewood parents of nine Negro pupils charge the children's civil rights have been denied to give them have not been allowed to transfer from the predominantly Negro Lin-

coln Junior High School to

In Orange parents of 18 children call for a more equitable distribution of Negroes to eliminate a predominantly Negro elementary school. They charge that a school based plan to end segregation would be workable.

Before it was dropped, the Newark suit touched on yet another part of the problem. In this case parents of eight Negro students living in a six-block area charged they were denied equal facilities through creation of the virtually all-white Vailsburg High School and changes in some elementary school lines.

With the exception of Orange where the Board of Education has "formal" intransigence since the suit was filed, the court action spurred efforts at compromise.

In all cases, there is the underlying contention that school zoning along rigid neighborhood lines is failing to contain the Negro.

On a budget basis Zuber and others contend ending neighborhood school districting would not add to the cost of education in the community.

**TRANSFER OF** students could actually lead to less need for busing when students are taken from overcrowded schools in Negro areas to less crowded ones elsewhere. The advantages to a stable community are obvious, Zuber said.

"School zoning could divide rather than entangle," according to Miss June Shearoff, educational consultant to the NAACP.

What a change in the educational plan means a family would be compelled to send a child from one side of a community to the other to get to school.

In most cases, the Negro representatives argued, it would be an only a slight change in districts or redistribution of pupils. But even where it would mean a drastic change, transportation of pupils is not an artificial device. Segregation is, they say.

Significantly, the first trial long to school zoning in northern New Jersey was made in 1954 against Englewood. In the wake of the U.S. Supreme Court decision outlawing separate but equal facilities, it was charged that an Englewood district had been gerrymandered to the detriment of Negro children.

which ordered the redrawing of district boundaries in Volusia Junior School — the same school the plaintiffs now charge is segregated as a predominantly white school.

In that case the attack was moved from deliberate to de facto segregation in New Jersey. Officials were not even consulted on de facto segregation when they proclaimed that the number of all Negro schools in New Jersey had been reduced to 11 in 1954.

Excluding Englewood, the earlier problem was concerned almost entirely with southern New Jersey, a portion of which lies below the Mason-Dixon line. Today's racial unrest is mirrored in the urban northern counties where the greatest influx of Negroes has occurred in the last decade.

The school census in these communities reveals an even sharper increase in the number of Negroes than in the population as a whole. In 1950, for example, 20 per cent of the Negro community in Newark was under 10 years old. In 1954 the figure had risen to 25 per cent.

AS IN 1954, a court decision has spurred the present fight in New Jersey. This time it involves New Rochelle where a Federal Court upheld the

## NEW TIMES

to be argued by Zuber and his allies. They and Marshall of the NAACP, that a specific district had been gerrymandered to prevent the enrollment of Negroes.

Cautiously in 1954, New Rochelle was considered to be a model of "good integration" and that attracted visitors from the south to see how it worked.

Those who are defending the present suit see no problem in New Rochelle in that it is a "gerrymandered" district.

To the NAACP leaders who are carrying the fight now.

"Our contention as far as the law is concerned is that the school boards are not improving whether they intended to segregate or not."

Although it is necessary we are not in any law," Zuber said.

# School Integration Asks New Jersey Take Leadership

By NED SCHURMAN

Dr. James E. Allen, New York state commissioner of education, delivered a speech in 1951 attacking what Negro leaders call "white segregation."

A number of communities in which the schools reflect a pattern of residential segregation are, indeed, segregated," Dr. Allen declared. He added significantly.

"Within the department we will initiate a careful review of all policies and regulations which can have an effect on the elimination of de facto segregation."

That Dr. Allen said, in fact,

was a reaffirmation of a policy adopted 10 months earlier by the New York State Board of Regents. It called for local school boards to work with state officials in eliminating segregation that existed because of residential patterns.

"New Jersey," said Robert Carter, general counsel for the National Association for the Advancement of Colored People,

"has not provided leadership on this matter. The state should adopt an affirmative policy and call on local school boards to enforce it."

"WHAT NEW JERSEY needs is a good fact-finding commission," Paul Zuber, the New York lawyer, who has been active in Newark and Englewood integration cases, contended.

"The Negro will no longer accept the fact that a school problem can be blamed on a housing problem," he said.

Gov. Birch has expressed approval of the "right-to-school" policy in effect in most of New Jersey's larger communities. He has said that discrimination in the sale of housing is the basis of the problem. Frederick M. Raulinger, state

Rec'd 2

# N.A.A.C.P. Protests Urban-Renewal Plan

## County President Charges Officials In Englewood Seek Segregation

Englewood — Augustus Harrison, Bergen County N. A. A. C. P. president, has notified the Public Housing Administration of the group's strong opposition to the proposed urban-renewal project in the Jay Street area. It was learned yesterday.

### LETTER OF PROTEST

In a letter to Herman Hill at the Regional Director's office in New York City, Harrison denounced the City's plan to relocate Negroes in the Fourth Ward as a fatherhood of the Negro ghetto which he said now exists. He added:

"We urgently request that you direct the responsible officials to devise alternative plans for public housing . . ."

That such a renewal project as the one proposed will continue the predominantly Negro character of the area is upheld by the 137-page school and population-pattern report issued recently, Harrison said.

In January the Council approved a resolution to permit the local Housing Authority to file an application for \$5,000 in federal funds for the new project.

### OTHER AREAS ASKED

Plans call for the erection of a 100-unit low-rent public housing project on a 3½ acre tract bounded by Englewood Avenue, Jay Street, Hempstead Street, and William Street. The project will be garden-type construction.

The Council action was taken in the face of opposition by the County chapter of N. A. A. C. P. and other City groups who urged that public housing be located in areas of the City other than the Fourth Ward.

Harrison said his organization believes City officials are seek-

ing to maintain segregated living patterns in Englewood.

Therefore this proposal must be suspect as a deliberate and vicious attempt to circumscribe the aspiration for equal opportunities in housing of a large portion of the citizens.

He said he was certain Hill's office was aware that the predominantly Negro Lincoln School, center of the legal action taken against the Board of Education, is located in the Jay Street area on Englewood Avenue. He added:

It is our firm conviction that public housing in the proposed location can only result in further racial unrest, ferment and tension, hastening the decline and decay of the City.

### DOCTOR ANSWERS

# Only The People Of Englewood Can Decide Future Of The City

(Continued from page 1)

be distributed so that each school would have approximately 80 per cent of its enrollment white and 20 per cent Negro.

The report gives mild approval to the plan.

"The plan appears to meet the standard of a conscious effort to integrate the enrollments. It can be accompanied by good education. Although it can be organized to meet the technical requirements of the principle of the neighborhood school, in effect it does not, and it disorients more persons than any of the other plans which will integrate."

8. Abandonment of Lincoln School and replacement of its classrooms by additions to the other schools.

The report, although noting that the Lincoln School's physical plant is still in good shape, terms the environment in the predominantly Negro Fourth Ward a "negative force." The plan proposes building an additional 10 classrooms, special rooms, and kindergarten at other schools to accommodate Lincoln's displaced enrollment.

## COST IS DRAWBACK

The plan calls for the erection of new classrooms at Cleveland, Quaries, and Roosevelt Schools. The boundary lines of all the elementary schools except Lincoln would remain unchanged, and Negro children from Lincoln would be re-assigned as follows: 150 to Cleveland; 135 to Quaries; 100 to Roosevelt. A realignment of district lines could accomplish a lower Negro enrollment in Liberty School.

The report praises this plan: "It meets all the standards set for the future. It will integrate, it will be accompanied by good education, it upholds the principle of the neighborhood school, and it disorients only the children living in the present Lincoln School area."

Drawback: It will cost an

estimated \$13 million to put the plan into effect.

9. Finally proposed a broad, city-wide program of renewal and use of Lincoln School as a remodeled, renamed central intermediate school as an attractive, renewed, and integrated area.

Generally the plan which is described as a bold effort requiring the support of the entire City, calls for extensive renewal of the blighted area around Lincoln School, relocation of displaced families outside the Fourth Ward to accomplish interracial housing, refurbishing of an extensive area adjacent to Lincoln School itself to make the environment attractive to any resident of the City, and finally establishment of Lincoln School as a central intermediate school to serve all the children of the City in the Lincoln building.

Such a plan would entail expenditures up to \$6 million.

But—and this is an important but—the federal government, under its urban-renewal program, would furnish 75 per cent of the total cost.

"With a project costing upwards of \$6 million could be initiated without exceeding the cost to local taxpayers of replacing the Lincoln School facilities at the estimated price of \$13 million."

"Some reports on the contents of the school study have waved the figure of \$6 million around without making it plain that the City would pick up only one quarter of the tab."

The broad renewal plan gets the heartiest support from the study's authors:

"This proposal is a bold effort to pioneer in the field of race relations, of education, and of control of the direction to be taken by an inner-ring suburban community. It meets the standard of an effort to integrate. It can offer superior education well adapted to the situation of interracial relationships. It upholds

the neighborhood principle and disorients few people. It has the added advantage of being directly an asset to a solution of a major problem for Englewood: a conscious effort to control the course of development which Englewood follows."

No matter which plan is finally adopted, the report says, nothing can be done overnight. Any of the long range proposals will take as long as 5 years to complete.

## CLASSES AT ENGLE STREET

But, the authors warn, a plan of action should be organized as soon as possible into progressive steps to avoid strife over delay and sincerity of intention.

"Accordingly, it is proposed that the City use the old buildings on Engle Street in September 1962 to initiate the preliminary and intermediate steps in a plan for desegregation."

It proposes starting some classes at the Engle Street property on an integrated basis as early as the school year 1962-63. Experimentation with the central intermediate school could also be started on Engle Street at an early date.

"Such a use of these buildings would enable the development of any plan on a growing, suitably phased basis rather than on a jolting basis of sudden upheaval of established concepts and traditions."

The report devotes its last section to an examination of proposals for a broad redevelopment program going beyond the jurisdiction of the Board of Education.

Any meaningful solution to the total problem, the authors declare, goes far beyond what is generally considered the typical school policy. Yet, they say, given the role public education plays in the United States, an extension of school policy is not only realistic but inevitable today.

"Whether better school make better communities, or whether it is more accurate to say that

better communities make better schools may be open to question, but it should be apparent to all that school quality and community quality are inseparably intertwined."

## THE CRITICAL FACT

The City today, the report says, has arrived at what it calls one of those critical junctures in a community's history where the policies of the next few years will determine its future.

"Meaningful decisions will take place only if Englewood embarks on a general program of conscious, rationally prepared development. School policies have to be meshed with zoning policies, zoning policies meshed with enforcement measures for both housing and health standards. These measures must be related to renewal and new building policies, and all these must then be related to taxation and financial programs. Nothing less than an effort thus comprehensive and thus well-coordinated holds much promise that Englewood can have a significant voice in influencing the changes which will take place within its borders."

The critical fact for the City, the study's authors say, is not that any specific proposal is the right one for the City or that any one specific action is a panacea that will sweep away the mistakes of the past and those that, undoubtedly, will be made in the future.

"The critical fact is that a turnaround for Englewood is, in the beginning, a matter of approach, of a community frame of mind, and of spirit."

"If the Board of Education, the City of Englewood, and its civic leaders can undertake to lead such a turnaround in attitude and outlook, the future (of the City) in terms of prosperity, well-being, and racial harmony is secure."

As there it is.

The decision is yet to be made.

Reel 2

**The Englewood Study:**

THE RECORD (HAWKINSAS, N.Y.) MARCH 17

# Only The People Of Englewood Can Decide Future Of The City

**Community Is At A Critical Juncture  
In Its History, Report Says**

By FRANK SHERRY  
(Staff Writer)  
(Last of a series)

**Englewood —** The people of this city are, of course, the final arbiters of the future of their community.

## POLICY OF DRIFT

With this prime truth in mind, the authors of the school study have set forth six proposals—some with comment favorable and otherwise—which the City may elect to pursue toward a solution of the school problem and possibly to a former future growth.

The six proposals are:  
1. A policy of drift.

Under this policy school officials would close their eyes to racial overtones. Assuming the neighborhood-school concept still valid for the situation.

But, the report warns, a policy

of drift offers no solution and in fact will only serve to continue strife and tension.

"To follow this policy is to take an official attitude of indifference to concerns of parents of 44 per cent of the elementary children—those who attend the Lincoln and Liberty Schools."

2. Renewal and so-called high horizons without redistribution of school assignments.

Under this proposal the poor housing around Lincoln School would be cleared out and a school program of enriched classes known as higher horizons would be instituted to raise the

sights of underprivileged children in the Lincoln School area. There would be no disturbance of present school districts.

The program appears to reach for good education, the authors say, but it fails to make any conscious effort to correct racial imbalance.

"It is certain to continue the community in destructive strife."

3. Open enrollment

Under this plan children would be permitted to enroll in any City school on a first-come-first-served basis. A waiting list would be established, and whenever enrollment at a particular school fell below the optimum classroom size set by law free transfers would be allowed.

The plan, the authors comment, will ease the tension of a few persons but it offers no permanent solution. "It will create most difficult administrative problems, and will be a source of irritation and strife as long as it is permitted," the study says. "It essentially destroys the principle of the neighborhood school, and

has little by way of quality education to commend it."

4. Variations of the so-called Princeton plan.

Under this plan pupils are assigned to schools according to grade rather than neighborhood. Thus all first and second graders might attend one school, all third and fourth graders another, and so on. The Englewood report offers two variations.

Under the first, each of the five elementary schools would receive one or more of the elementary grades from the entire City.

## MILD APPROVAL GIVEN

The second variation would be to combine the enrollment of the 50-per-cent Negro Lincoln School with the predominantly white enrollments of Cleveland and Quaker Schools. This would form one so-called Princeton unit. The enrollments of the Liberty and Reservoir Schools would form a second Princeton unit.

Under either variation the elementary-school enrollment would

(Continued on page 2, column 2)

Reel 2



# That Surpassing Fact: Racial Imbalance Exists

(Continued from page 1)

preparation for life is a world-wide reality, and the school is the only place where the child is given the opportunity to learn to live with others in a world of racial imbalance.

Finally, the school is the only place where the child is given the opportunity to learn to live with others in a world of racial imbalance.

Politically the authors of the report concede that racial imbalance in schools may very well be an infringement of a minority's rights.

But, they say, history points to no absolute definition of minority rights. Likewise they say, history has given no blanket endorsement for complete majority rule. In that context, the report says the question of minority rights in Englewood must be solved by practical experimentation.

"The preferences, wishes or desires of the majority are irrelevant, if in fact minority rights have been limited. For it is the fundamental structure of a democratic society that is jeopardized."

Put the issue in Englewood, the report states, is not that there has been any deliberate violation of minority rights.

"The issue here," the report says, "is whether so-called de facto segregation, a condition arising out of housing and the neighborhood school is a limitation on the pragmatic exercise of civil rights."

## PLAIN STATEMENT

And then the report politely makes its point. The evidence presented on the psychology and pedagogy of all-Negro schools suggests such a limitation.

But there is no easy way out. There has to be a demonstration that rights have been infringed, and a corrective policy that can

be applied without disturbing the rights of others must be found.

The practical solution to the problem, says the report, will be found in discovering the deficiency and ways to correct it.

The school system serves a social function beyond the simple art of educating the young, the report says.

In the past the schools have served as instruments of social change and that possibility has not yet disappeared.

The report points to the vicious cycle of discrimination in America. Negroes are excluded from certain jobs. Their income is lowered and they are forced to live in slums. The slums create poor behavior patterns which often make it difficult for them to do well in school. This, in turn, often induces them to leave school early and makes them less capable of filling better jobs. The cycle thus perpetuates itself.

At its root discriminatory housing patterns.

"Insofar as segregation exists in some of the schools in Englewood, it appears to be the result of practices carried out within the confines of the housing market."

Housing segregation practices do exist and indeed some of the facts we have presented earlier which indicate the proportion of Negroes living in different wards of the City lends credibility to such an interpretation.

But, the report cautions, the existence of housing segregation does not exonerate the schools from responsibility.

Since, in the past, the social function of the schools has gone beyond the school system itself there is no reason today why the schools cannot move to break up the vicious cycle of discrimination.

It might be well to consider the possibility that one of the best ways to disturb the pattern

of racial segregation that now prevails might be to bring about more thorough desegregation of the school system than now exists. Perhaps if white and Negro children learned to get along with and respect each other during the most impressionable part of their school years, Negroes and whites will be more willing to accept each other as neighbors when they become adults.

In community planning the school system has an obligation to provide the best possible education to the middle-class families, both Negro and white, within the community in order to fight population pressures from the region.

The exclusion of both Negro and white middle-class families from the community represents an open door for the influx of low-income, high-charge families, who will over school standards still further, the report says.

"Accordingly, there is considerable form of advancement of pupils must be found to join with a vigorous academic program as a means of controlling the migration pattern of the City's population."

Use of the school system as a conscious instrument of community planning, the report says, will enable Englewood to survive as a balanced community.

The report calls the neighborhood school concept logical but says there is nothing fundamentally sacred about it.

## PHYSICALLY COMFORTABLE

The neighborhood school is physically comfortable and it permits children to attend the schools nearest their homes to come home for lunch and to go to and from school safely and quickly.

The neighborhood school concept also makes administration easier and generally more efficient.

## Demand Heavy, Library Reports

Englewood — You'll have to wait your turn if you want to read the Superintendent of Schools' "Study in Depth" report on the question of school segregation here.

The public library reported last night that all library copies of the report were checked out an hour after the library received 25 of the books Tuesday.

One librarian said there was a crowd waiting at the library Tuesday morning for the reports released by the Board of Education Monday night.

The library also has been swamped with phone calls regarding errors, she added.

At present there are about eight copies of the report in the library. The library has two copies on hand and four in the library.

The report points out that concept, which has been criticized as a contributing factor in de facto segregation, since the patterns and all-Negro schools are now under review by the court and may be subject to revision.

The best approach, the report seems to say, is to find a way to eliminate racial imbalance and still leave the neighborhood school principle essentially intact.

In this respect Englewood is fortunate, it stated, since a feasible option for solution exists without making it a test case for the neighborhood principle.

## FINANCIAL QUESTION

The study also warns that organizational detail and financial must be taken into account when any present school policy is changed.

Notwithstanding the obvious importance of public education as a carrier of social policy and a determinant of community character, it must be recognized that schools are not exempt from the compulsory nature of the young.

The school enterprise, the report says, is a complicated one. Hundreds of administrative details revolve around a large scale organization.

Therefore, in consideration of any major change in educational policy an assessment of the impact of new policies on administration and organization is inevitable. A program in which school revitalization, a neighborhood can make radical demands on budgetary resources. Plans for pupil redistribution inevitably involve an estimate of the transportation complications involved. Changes in the assignments of classes must take into account teacher morale and scheduling salary schedules.

But organizational considerations should not control policy making.

However, the criteria of administration and organization, become a final, fundamental consideration in the examination of racial imbalance.

And there it is. "Racial imbalance exists, the report says. It is bad for both whites and Negroes. It is part of the white question of civil rights."

Page 2

The Englewood Study:

# Here's The Overriding Fact: Racial Imbalance Does Exist

## Report Suggests Six Considerations: Whose Rights Are Trampled?

By FRANK SHERRY  
Staff Writer

Englewood — The school study states that racial imbalance does exist in the City's elementary schools.

### ESSENTIALLY NEGRO

To the best of our knowledge, the report says, no one would question the information presented regarding the ratio of Negro and white children in the elementary schools.

No one can reasonably doubt that the Lincoln and Liberty schools are essentially Negro schools.

But what does that hold for equity? Does racial imbalance turn with evil? And if so, how evil is it? What rights does it trample under foot? And whose? The report suggests six considerations for action, at an

swers to the questions. There are psychological and social considerations first. The report must examine the social function of a school system. The role of the school in community life, the neighborhood, the city and the state, as well as the school's role in the enterprise.

The report takes issue with the argument that equal facilities for all Negro schools and up to equal education.

There is a growing feeling of frustration among Negroes. The conclusion that the stigma attached to an inferior enrollment in the schools

is a source of children who are not only not getting a good education, but generally fail to achieve in the innocent child, which has within them, regardless of the color and race, the right to the educational program.

While it is true that the school system is not the only place where a child can learn, it is also true that underachievement is not limited to race.

### CONSIDERATIONS

The four integrated Junior and Senior High Schools have the responsibility of supporting the belief that racially balanced schools result in better education by building motivation and achievement.

There is also growing sentiment among Negroes that an all-white school is not the best kind of education either.

On the other hand, a school of people with different racial backgrounds constitutes a better environment for learning.

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**The Decisions We Still Have Time To Make**

**The Decision Have Time To Make**

After the people of Englewood are finished handing around those precious 100 copies of Mr. Stearns' report to the Board of Education — if they ever do get finished — then the well-thumbed, tear-stained volumes should be rationed forth to that every public official in Bergen County, indeed in the Metropolitan Area, can see for himself that the Area itself is a town and that the town's secret name is Englewood.

Stearns and his three consultants, some of their Chapter V chapter ads

Dr. Stearns and his three consultants may say in the very title of their Chapter VI as much as any alert public official needs to have by way of clue. "The Impact of Metropolis. Characteristics of the Region." But these are extremely thorough men. They proceed to spell out a meaning that entirely too many of us as persons and as corporate municipalities would prefer not to hear at the outset of the study they have undertaken. In Englewood the typical

At the outset of the study they have drawn a profile of Englewood the typical suburban town in the so-called inner ring: its growth rate slowing, its vacant land filling up, its fertility rate falling, its industrial development clanking along, its population in the characteristic volatile state of rera-tion in and out. Englewood has reached Stage 2 in Raymond Vernon's five ages of a town. It has moved out of the single-family era into the apartment-house phase. Yet to come are downgrading and conversion, increasing density in housing, the thinning of the slums, and finally renewal. But there's more (Pages 64-75) than that. It begins

But if the preceding chapters characterize Englewood, they do not explain it. That is, they do not account for the social and economic forces which have shaped the community. These forces are, by and large, general forces which are the City's boundaries. They arise from the other geographical locations with the New York metropolitan region, for the use of its declining vacant land and the reuse of its established areas, the failure for a change is not within the City's power to control.

As we have been repeatedly warned, change is coming to us all whether or not we approve. We can't wish it away or take evasive action. Change is inevitable, and so are the consequences. As Mayor Handlin calls the newcomers, "a lot of them pigmented the way the ~~majority~~ majority is. But, although the Englewood will have little to say about the summer and kind of people and businesses and industries that take land within its borders, it can decide for itself what kind of zone it will itself encourage and emphasize. In short, what Englewood requires is the development of a conscious strategy on land use. . . . It can even be a strategy of drifting and letting the marketplace decide the trends and the outcome, or it can be a carefully developed strategy of the wisest and best use of the land."

**Factored** — In many ways the new international trade agreements are outside of forces that are new and to the present age.

The trail now contains 21 miles

The fact which has been termed "persecution" is characterized by a density of population and a total of income and production in Western Asia that has not been equalled elsewhere in the world.

With the exception of the  
pollen, the New York  
migration is the largest  
in the history of the  
city.

The New York region stretches more than four square miles as far north as Monticello County in New Jersey and Orange County in New York. These suburbs have not only been taking a larger share of the middle class population, but industry and commerce have been moving there, too. The suburbs are the ones that

The fact that the world is a greater than the world is subject to the influence of the world.

INFORMATION IMPACT

**POPULATION IMPACT**  
 "There is no doubt that the impact of the new law will be a large one. The city is now in a position to be able to handle the population increase and the declining demand for the use of its land and the use of its water and the initiative for a change that within the city's power to control."

As the annual pressures build up against the City, the report says, the City's financial position is more favorable than the state's. The report notes that the state's financial position is more favorable than the state's.

[illegible]

Reel 2

Mary de la Pava  
Sen. Douglas' office.  
180 - 2152 - if new-  
address on Baker  
comes in, please call  
her.

# L APPEAL

MBER 17, 1962

32 PAGES

PRICE 7 CENTS

## Ole Miss Showdown May Be Sidestepped By Return To Courts

Guantanamo's Guns Bristle  
Everybody Can Use One

By FRED HOFFMAN

NAVAL BASE, Cuba, Sept. 16.  
"Everybody learns to hold a gun."

O'Donnell summed up in  
readiness of the entire  
dependents; too—  
on the edge of

at us."

times  
long-  
are  
all

State Is Tense

Speculation On New Course  
Based On Desire To  
Avoid Violence

By KENNETH TOLER

From The Commercial Appeal  
Jackson, Miss., Bureau

JACKSON, Miss., Sept.  
16. — The James H.

Meredith issue may be  
tossed back into the courts  
in an effort to avoid a  
showdown between state  
and Federal police.

That was the speculation  
here Sunday amid tense  
waiting for the next of-  
ficial move in Gov. Ross  
Barnett's effort to keep Mere-  
dith, a 29-year-old Negro Air  
Force veteran, from enrolling  
in the University of Mississippi  
this week.

The speculation was apparent-  
ly based on a desire to avoid  
any incident which might lead  
to violence, a viewpoint shared  
by both the state and the  
Justice Department.

It was learned Sunday that  
the Meredith case was dis-  
cussed at a Washington meet-  
ing last week between Atty.  
Gen. Robert Kennedy and a  
Mississippi group which includ-  
ed Senators James O. Eastland  
and John Stennis, Representa-  
tive Frank Smith and former  
Gov. J. P. Coleman.

Further plans are expected to  
be made Monday afternoon  
when Governor Barnett meets  
with the Board of Trustees of  
Institutions of Higher Learning.  
The president of the 13-member  
board, Thomas J. Tubb of West  
Point, said Sunday the board  
wants to explore the legal  
ground in the case.

"There has been no straw  
vote. The board has never voted  
on this thing," Mr. Tubb said.

Reels

Further plans are expected to be made Monday afternoon when Governor Barnett meets with the Board of Trustees of Institutions of Higher Learning. The president of the 13-member board, Thomas J. Tubb of West Point, said Sunday the board wants to explore the legal ground in the case.

"There has been no straw vote. The board has never voted on this thing," Mr. Tubb said.

Speculation has it that Meredith will be escorted on campus one day this week by two United States deputy marshals, although others would be nearby if needed.

A cordon of highway patrolmen will ring the campus to prevent demonstrations and those without official business will be barred.

Once on campus, Meredith would be told he could not register because of orders from the state. The case would then revert to the courts with possible contempt of court charges. A mandate for Meredith's enrollment was handed down last Monday by Supreme Court Justice Hugo Black. At the same time, he enjoined anyone from interfering with his order.

Governor Barnett has declared that he is willing to go to jail to prevent integration at Ole Miss or any other educational institution in the state. Justice Black's order, however, is directed toward the college board and university officials.

Registration begins Wednesday at Ole Miss with classwork scheduled to start Friday. It has been presumed that Meredith will appear Wednesday, but the Justice Department has declined to discuss its plans. It is known that Federal authorities have expressed some worry over whether a Thursday night welcome party to be given Ole Miss students by the City of Oxford might kick off a demonstration.

As for the university campus, a staff member described it Sunday "as the quietest place you ever saw." A student who returned to the campus said he had talked to enough students "to find out that while they don't want the school integrated, they sure don't want it closed."

Governor Barnett promised he would try to avoid closing the school.

Meanwhile, reports of a 42-car caravan of Ku Klux Klan members headed toward Mississippi from Tuscaloosa, Ala., early Sunday had vanished into thin air by Sunday afternoon. One source said the Klan members apparently went home for the night.

The Klan held a meeting in Tuscaloosa Sunday afternoon and pledged its support to any official who will "defy President Kennedy's 'his invasion of states' rights.'" Robert Shelton, Imperial wizard of the Alabama Klan, said about 32 states were represented at the meeting.

He said the pending integration attempt at the University of Mississippi was discussed, but was not the reason for the meeting. However, he said he backed Governor Barnett's stand.

Reel 2

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SUNDAY MORNING, SEPT. 16, 1952

**Taxes For Colleges**

Those who hope for a faster flow of Tennessee taxes into the state-supported colleges have fresh figures to show that this state is falling behind.

More than 400 pages of "Economics of Higher Education" come from the

**Mississippi's Crisis**

The State of Mississippi and the Federal Government appear due for a head-on collision over the school desegregation issue. Federal courts all the way to the top have held that Negro JAMES MEREDITH must be permitted to register as a transfer student at the University of Mississippi. The Governor of Mississippi has said he will go to jail before allowing this to happen, and he has urged other state officials to follow his example or resign.

This is a crisis for Mississippi, a threat to its traditions and mores, and a challenge to the cherished political belief that the Federal Constitution reserves certain rights—such as education—to the states. That belief springs from the 10th Amendment to the Constitution. Against that view is the 14th Amendment—which some say was never legally ratified—stating: "No state shall make or enforce any law which shall abridge the privileges . . . of citizens of the United States. . . ."

Right or wrong, the Supreme Court has favored the 14th Amendment. Behind its school decisions stands the weight of the Executive Branch of the Federal Government. Attempts to interpose state sovereignty in civil rights matters have consistently failed, both in the past and in recent years. Governor BARNETT, however much you may admire his courage, is making what might be the last stand . . . and jeopardizing the splendid image of a great university.

The issue arouses the emotions of people on both sides. It has disrupted the processes of education in many localities. We can sympathize with the strong feelings of many Mississippians in this crisis. But we hope that in this confrontation they will let reason and temperance prevail, that they will place law and order above the frustrated anger which can lead to violence. It is up to the Board of Trustees of State Institutions of Higher Learning, a constitutional body, to resolve the conflict.

The first-rate education of Southern sons and daughters should be the first consideration. Destruction or impairing of Mississippi's education system would be a tragedy and the real victims would be the young people who so desperately need the training and knowledge to compete in a fast-moving age.

Reel 2

# AFFAIRS OF STATE

By CHARLES M. HILLS



## POLITICAL EYE

The University emergency immediately at hand is attracting the eyes of the nation.

But perhaps more especially, eyes of Mississippians are focused this day on state political leaders.

The "stand-up and be counted" signs have been put out by the governor.

The people are looking around to see who is standing up.

Regardless of what happens at the Ole Miss registration desk, the reactions may be seen next year at the polls.

There will be a lot of elephantine memories, if the weaklings don't watch out.

This is it. Where do you stand, Mr. Politician?

The eyes of Mississippi are upon you!

## WIN, LOSE OR DRAW

However the present integration fight comes out, patriotic Mississippians are going to keep up the fight, win lose or draw.

The Yankee philosophy that the government can do no wrong isn't taking here.

This is still supposed to be a democracy, and, even the least of us are supposed to be able to criticize public officers, even if newsmen are routed out of bed by an irate President.

We may get whipped some day, but we won't be beat!

## ACQUISITION

The Mississippi Marine Conservation Commission is receiving a new 33-foot, 125 horsepower motored cabin cruiser, ideal for patrol duty.

It comes from the U. S. Corps of Engineers via Vicksburg, courtesy of the Mississippi Civil Defense Office, Robert L. Cook, director.

George Williams, chief inspector for the seafood commission, is supposed to come by and haul the boat to the Gulf of Mexico, or Mississippi Sound, more explicitly, right away.

He says that the boat is ideal for the needs of the commission and for training of Civil Defense personnel on the coast.

Director Cook, of CD, has been phenagling for the vessel for sometime, since he first found it was being surveyed by the engineers.

## GOOD NEWS

Former Senator Hermes Gautier, of Pascagoula, has been sent home from the Singing River Hospital down that way.

A news clipping from State Librarian Julia Starnes tells that Gautier spent three and a half months in the hospital fol-

One of the most popular and best qualified men to serve in the upper house of the Mississippi Legislature, news of Mr. Gautier's near recovery will be gladly received well over the state.

## MAIL POUCH

Charles M. Hills  
Clarion-Ledger  
Jackson,  
Mississippi

Dear Sir:

Enclosed please find a copy of a proclamation written, signed and mailed to the Governor of the State of Mississippi, Ross Barnett, by the citizens of Union, Mississippi and of Newton County.

We wholeheartedly endorse the stand taken by Gov. Barnett against the Federal Government's usurpation of States Rights. We feel that it is the duty of each and every citizen of this state to render his entire support to the governor.

We should also like to take this time to express our gratitude to you for your courageous fight for constitutional government in your column each day. May you continue to fight along these aims for as long as necessary.

Sincerely yours,

Citizen of Union, Mississippi  
Citizens of Newton County

## PROCLAMATION

WHEREAS, Hon. Ross Barnett, the Governor of the State of Mississippi, has pledged his personal security, his freedom, and his life to the upholding of the Constitution of the United States, and,

WHEREAS, THE operation of the Public School System is one of the powers which was not delegated to the Federal Government, and therefore, was reserved to the respective States, by the Tenth Amendment to the Constitution of the United States, and,

WHEREAS, the citizens of the Town of Union, Newton County, Mississippi, and the citizens of Newton County are in full support of the stand which Governor Ross Barnett has taken against the usurpation of States Rights by the Federal Government:

NOW THEREFORE, We, the Citizens of Union, Newton County, Mississippi, and the Citizens of Newton County, do hereby endorse, support, and applaud the courageous election to fight for States Rights as made by the Governor of the State of Mississippi, and hereby, encourage, request, and demand that all